

**FILED**

**NOT FOR PUBLICATION**

**OCT 23 2006**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS  
FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ARNOLD ARRUIZA,

Defendant - Appellant.

No. 06-10000

D.C. No. CR-04-00401-HG

MEMORANDUM\*

NOV 17 2006  
at 1 o'clock and 46 min. 5 M  
SUE BEITIA, CLERK

Appeal from the United States District Court  
for the District of Hawaii  
Helen Gillmor, District Judge, Presiding

Submitted October 16, 2006 \*\*

Before: LEAVY, W. FLETCHER, and RAWLINSON, Circuit Judges.

Arnold Arruiza appeals from his 162-month sentence imposed following his guilty-plea conviction for conspiracy to distribute and possess with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 846.

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Arruiza contends that his counsel was ineffective in failing to establish the amount of methamphetamine that Arruiza possessed for personal use. However, we decline to review Arruiza's ineffective assistance claim on direct appeal. *See United States v. Jeronimo*, 398 F.3d 1149, 1156 (9th Cir. 2005).

With respect to Arruiza's remaining contentions, we conclude that Arruiza knowingly and voluntarily waived his right to appeal and was sentenced within the terms of the plea agreement. Accordingly, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily).

**DISMISSED.**

A TRUE COPY  
CATHY A. CATTERSON  
CLERK OF COURT  
ATTEST

NOV 14 2006

by: \_\_\_\_\_

Deputy Clerk